



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

March 31, 2016

TO: Hearing Officer

FROM: Kristina Kulczycki *KK*  
Zoning Permits North Section

SUBJECT: Project No. R2014-02411-(5)  
Minor Conditional Use Permit No. 201400014, Oak Tree Permit No.  
201400035, and Environmental Assessment No. 201400194  
HO Meeting: April 5, 2016  
Agenda Item: 10

The above-mentioned item is a request to construct a single-family residence on a hillside within the Altadena Community Standards District and includes one oak tree removal and additional encroachments into the protected zone of nine other oak trees.

Please find three additional enclosed support letters for the above referenced item that were not included in the hearing package provided to the Hearing Officer.

On March 17, 2016, the applicant submitted an email and revised plans clarifying the correct maximum height of the building. These were posted on the Department of Regional Planning website (<http://planning.lacounty.gov/case/view/r2014-02411/>) prior to the release of the hearing package. The maximum height of the building is observed on the southern elevation plan as 34 feet and 10 ½ inches. The staff report and findings reflect this height; however, the Initial Study was posted prior to this clarification and therefore, identifies the maximum height as 33 feet and 10 inches. There are two instances in the Initial Study where the incorrect height is noted; one is in the project description and the other is within the "Aesthetics" evaluation. Enclosed hereto is a revised project description and update to the Aesthetics evaluation for the Initial Study and an explanation as to why this change does not require recirculation.

If you need further information, please contact Kristina Kulczycki at (213) 974-6443 or [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

MM:KK

Enclosures: Support letters  
Revisions to Initial Study with clarification of revisions



Kristina,

Although we believe we have addressed in other responses and on our website (<https://bitly.com/1VnrSrM>) those points included in the Asplund, Thurstans and Lynch letters received shortly before the initial hearing package was created, we would like to address some of the claims that Michael and Mindy (hereafter MM) have made in the letter addressed inline below.

Michael and Mindy Hickman  
3617 Canyon Crest Road Altadena, CA 91001  
(626) 398-6471 [vht@att.net](mailto:vht@att.net)

Re: Project & Permits #R2014-02411 (5), ROAK 201400035 and RMCP 201400014

We are opposed to granting a Minor CUP for this project as currently proposed for several reasons dealing with issues of negative environmental impacts, public safety and several items that are in conflict with The Altadena Community Standards, Hillside Management, Oak Tree Protection and Significant Environmental Area L.A. County Ordinances.

Considering the proposed building site is located in a unique and environmentally sensitive area of the Altadena Foothills, a site visit is crucial to awareness and understanding of the issues involved and should be a requisite condition of passing a ruling on this project.

We feel the applicant has been deliberately deceptive in his zoning application and additional presentation regarding the scope and impacts of the proposed project. For instance, in section 22.56.215.3.a, the applicant states as "not applicable" the requirement for "Identification and location of the resources constituting the basis for classification of such area as a significant ecological area (SEA) where not provided by the environmental assessment or the initial study for an environmental document"; when actually, the property traverses Millard Canyon, a known SEA, crosses a Blue-line stream and terminates on a significant ridgeline that divides Millard Canyon from the Arroyo Seco Canyon.

As is noted in the initial study created by the Department of Regional Planning, it is accurate to state that SEA regulations are not applicable because "the project site is not located in a currently mapped Significant Ecological Area (Source: General Plan 1980 Special Management Areas Map)". We will note that a part of our property became part of a Conceptual Significant Ecological Area as defined under the LA County SEA Program on December 10, 2014 (<http://planning.lacounty.gov/sea/proposed>), after we applied for our permit and completed the burden of proof. The footprint of the home is outside this conceptual SEA, the boundary of which was drawn to avoid the footprints and adjacent yards of neighboring residences along the west of Canyon Crest. Quoting from the DRP materials, "Conceptual SEAs will replace the current adopted SEAs in these three communities only as each community amends or updates its own community plan." Therefore, this remains a latent designation.

Millard Canyon is also a known Wildlife Migration Corridor providing habitat linkage for several and diverse species, including mule deer, mountain lion, bear, raccoons, foxes, bobcats, skunks, opossums, coyotes, as well as several avian species, such as great white egrets, Cooper's hawk, Swainson's hawk, Peregrine falcon, golden eagle, vultures, several species of owls, to name a few. The proposed specific building site is a known wildlife route where the animal species listed have been observed by myself or other local residents.

Millard canyon is an important wildlife corridor between the San Gabriels and the Arroyo Seco and wild lands farther south and west. However, our construction at street-level will have no effect on this wildlife corridor. A corridor is a connection between habitats. The footprint of our home connects the

riparian canyon environment to the largely fenced, developed lots and roads of lower Canyon Crest, Florecita Farms and NW Altadena. MM's own home two houses to the N is as much a potential wildlife corridor as our own. However, they choose to fence their home across its frontage. In contrast, we don't intend to fence our lot. What animals choose to find their way in this developed space will continue to be able to find a way across our lot, more easily than across those adjacent.

Intrusion and disruption of the canopy and protected zones of the several oak trees noted in the proposal can cause detrimental habitat fragmentation, loss of habitat and food source that can drive wildlife into nearby residences in search of alternatives. (Additional information regarding the property and the SEA are noted in the Independent Arborist Review submitted by Rebecca Latta Arboricultural Consulting). We feel a biological assessment of the property is warranted prior to the commencement of any construction activity.

In response to section 22.56.215.F.1.a, the applicant states "from the street, a very small footprint would be evident", This statement is completely false as evidenced by the various renderings he has supplied, which are very misleading as they are consistently underscaled in an attempt to make the proposed structure appear smaller than actually intended.

A visual footprint is defined largely by the width of a home as it faces the street. As is noted in staff comments, the minor axis of our home faces the street and is at its narrowest barely above the county's 20ft guideline for minimum width of a home, at 21'9". This width increases to only 29'5" at its widest. This is a small footprint in comparison to our neighbors. The apparent height of a home could also be seen as contributing to its "footprint," and we took care to preserve without any pruning and with minimal encroachment the three oak trees nearest the street that will continue to shroud the roofline of our home, as seen from the street and many adjacent residences.

This is one of the reasons a site visit is necessary to assess the actual impacts of the proposal. In response to section 22.56.215.F.1.b, the applicant states "The project attempts to preserve the natural character of the space by going to great lengths to preserve the existing oak trees and use them to minimize visual impacts"; when actually, the project as presented would completely obscure the natural character of the space by damaging and removing several oak trees and completely obstructing canyon views from the street and from several nearby residences, as well as blocking light, air and compromising privacy of some residents.

We have addressed in other responses the very limited extent to which existing canyon views from adjacent residences will be impacted by our home, and the extent to which existing oak tree canopy will remain.

It appears from the proposed project plans that the structure would be placed very close to a very old sewer siphon line that services The Meadows area of Altadena. and that a deep hole for a foundation piling would have to be excavated in very close proximity to the sewer line at an area close to where a street flood control drainage flow crosses the sewer line. It appears that this situation has the potential to result in an accidental sewage spill that could "Jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare" (22.56.090.c.). It seems prudent to have DPW examine the feasibility of this situation on site rather than from maps of the area. We further believe the effect of a year or more of construction activity and equipment on Canyon Crest Road at a blind curve that would be necessitated by this project also constitutes a menace to public safety and general welfare; and that the so-called flat pad that constitutes the protected zone of the oak trees is inadequate as a staging area for construction equipment, machinery and materials as intended by the applicant.

We believe we have addressed these comments in other responses and on our website.

No mention is made regarding trenching necessary for water and sewer hookup, which would negatively impact the protected zones of several oak trees.

Construction of laterals will adhere to oak tree mitigation measure #4, that "all work in the protected zone of the trees approved for encroachment must be done using hand implements only," and measure #10 that "any major roots (2" or greater in diameter) encountered shall be preserved to the extent possible". According to IPC section 305.6 and IRC section P2603.6 and P2603.6.1, water and sewer laterals may be buried at 12" below grade. The more conventional 18" specification for these laterals will still allow us to avoid any permanent damage to any oak tree roots, through careful, shallow excavation, consistent with the guidelines laid out in the county Oak Tree: Care and Maintenance guide. Although the sewer lateral is required to drop deeper where it enters the road right of way, this point was chosen to be more than 15ft distant from any tree.

We feel the proposed structure would violate the intentions of the Altadena Community Standards district (22.44.127) which was established to ensure new and expanded structures are compatible in size and scale with characteristics of surrounding residential neighborhoods. We cannot comprehend how a building on the west side (the canyon view side) of Canyon Crest Road, with a height of nearly 34 feet, can be considered compatible in size and scale to existing homes when it is over three times the height of the adjacent residence, and approximately twice the height of any other home on the canyon side of the street.

It is considered compatible because the Altadena CSD quantifies the rules that determine that compatibility, and we comply with them. At the peak elevation above grade of our home (~34ft), the elevation above street grade is only 2-4ft, as the shape of our home follows the grade lower. It would be untenable to express building regulations relative to adjacent development, and the purpose codified in the Altadena CSD is embodied in the specific, quantified rules that it lays out.

Also, the proposed structure is described as a "two story home", though the plans clearly show four distinct levels with a total low point to high point measurement of approximately 60 feet!

Our home accurately contains only two stories with livable square footage, and is nowhere greater than two stories above grade.

We would like these apparent discrepancies of description clarified, as they do not seem to make sense.

Mr. Kuhn has often implied a willingness to compromise with the concerns of residents, yet he has shown no intention of doing so.

We have recently made changes in response to neighbor feedback and have been open and detailed in response to neighbor questions, and on our website. We regret that MM have never contacted us to address their concerns, or replied to any of our requests for feedback, and we hope to meet them some day.

I reiterate we are against granting a MCUP for this project for the various stated reasons, but if the project is allowed to proceed, we have an alternative proposal:

Considering the extreme height of the proposed garage roof is one of the most objectionable elements of the design to the current residents, we would like to offer the following suggestion in compromise:

That the height of the garage area be reduced and redefined to a maximum height of



approximately twenty feet, which would be much more aesthetically acceptable, and suitable in scale to the neighborhood. While a 35 foot height is allowed by code, it is inappropriate in this instance. It seems incomprehensible that anyone would require a 34 foot ceiling in a garage.

We have addressed the detailed rationale for the height of our home in other responses, but note here that the max floor to ceiling height in our loft is 18-19', and this drops to head height at the SE and NW corners of the loft.

## ADDENDUM

I think it should be noted for the record that Mr. Kuhn was fully aware of the opposition of current residents to his proposed development several years before purchasing the subject property. I know this because he approached me in my driveway in approximately 2010 and began questioning me about the property and told me he lived up the hill and he could "totally build on that property" by sinking huge concrete pillars and beams into the hillside. I informed him that no one in the area wanted to see that happen and everyone would fight "tooth and nail" to keep him from doing that.

In many cases, we are able to attribute or at least hypothesize as to the source of misunderstanding in a neighbor comment – that they are unaware of the extent of our lot, the shape and location of our home and its relationships, or may not be aware of the applicable construction techniques, regulations or engineering analysis. However, we are unable to draw any such conclusion here. I have never spoken with MM, despite attempting to engage them by mailers and requests for feedback at three Altadena Town Council meetings. We did not even live in the Meadows "up the hill" until 2013. I happened upon the lot for sale in a public real estate listing in 2013 and made an offer. Our future neighbors - including those at 3589 Canyon Crest, who had previously been contacted by the sellers, as well as MM - chose not to buy, and we had hoped this choice signaled a measure of acceptance that our lot would be improved for its zoned purpose.

He approached several residents with an "invitation" in their mailboxes on July 17, 2015 to meet him at the property the following week for coffee and "home baked treats" so he could try to "accommodate" any concerns we might have because if anyone lodged formal complaints with Regional Planning it would cost him thousands of dollars for a public hearing. This was when and how he approached the residents within 300 feet of his property--after it was too late to for them to really do anything, except save him money!

Submitting detailed plans to regional planning was a required part of initiating this process. That did not in any way imply that it was too late to make changes, and we have explicitly requested feedback throughout this process. We recently made a change to our entryway and driveway in response to neighbor feedback, reflected in the attachment at the Department of Regional Planning project page for R2014-02411 of "Revised Plans 03/21/2016", the result of one of the only conversations we have had with any neighbor in which they have engaged us constructively. We had hoped our neighbors would at least give us the chance to address their concerns before triggering this process. We regret that MM have not ever engaged with us.

In an attempt to win community approval, Mr. Kuhn has repeatedly misrepresented the size of the proposed project by showing underscaled renderings, and using misleading language like: "a small energy efficient home", "respectful of the surroundings", "'tucked in' among the oaks", "folded around an oak". He repeatedly asserts that this large, imposing structure built on the rim of a canyon cannot possibly block anyone's view of that canyon--and you can prove it by standing in a certain place and looking in a certain direction--just not in the direction of the structure.

We have addressed these concerns in other responses. We believe it is accurate to say that our home

is small and energy efficient, because it is less than 20% of the 9,000sqft size permitted to us on our lot, and it is significantly smaller than the average home within 300ft. It exceeds modern California Green Building Codes by 30%, also becoming a net-zero home. We believe it is accurate to say that it is respectful of the surroundings, as our home echoes the existing grade below street level, with colors that blend with the oak tree canopy and surroundings. We believe it is accurate to say that it is tucked in among the oaks, as the footprint of the house is defined by the fold around one of the largest of our trees, lending an hourglass shape, with four of five edges constrained by minimization of oak tree encroachment, and the fifth by zoning regulations. We believe it is accurate to say that views into the canyon from the point most favorable to them will not be impacted by our home. We believe that we have given all elements of our design and the future execution of it significant care and thought.

Regards,

Stephen and Vandana





## Kristina Kulczycki

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**From:** osopolare@gmail.com on behalf of Zak Berrie [zak@mode3.com]  
**Sent:** Monday, March 28, 2016 5:04 PM  
**To:** Kristina Kulczycki  
**Subject:** Canyon Crest Project in Altadena

Dear Ms. Kulczycki,

I'm writing you in support of the building project on lower Canyon Crest in Altadena. It's my understanding that the proposed design requires extra approval because the site has significant slope. It's my hope that any decisions made by the county on this project are made solely on the technical merits.

I'm a Meadows resident in Altadena and thus live only about .5 mile up the canyon from there on Canyon Crest.

I would like to first note that I am not a civil engineer and I haven't had a chance to review the plans for the building so I am unable to comment on the safety of the proposed design. I am sure though that LA County does employ qualified engineers who have had access to the appropriate plans and I defer to them when evaluating the safety of the design.

It is otherwise, in my opinion, unfair and unwise to deny a property owner the use of their property unless that use of the property would violate applicable law or code.

I am personally incensed by the idea that a neighbor would be able to complain and organize public comment so as to deny a property owner the ability to develop their own land.

Would I love to have an empty neighboring lot full of Oak trees that someone else paid the property taxes on? Absolutely, who wouldn't? It would effectively increase the size of my own property at someone else's expense. If I were able to control the use of a neighbor's property without just compensation that would effectively grant me possession of the property for free.

Taking possession of something from someone else without their consent is theft. I feel like that's what's at work here. A neighbor is attempting to use public institutions to effectively steal property. I think that's wrong and I think that's a dangerous precedent to set.

If the neighbors of the proposed development would like to see that site remain undeveloped in perpetuity I suggest that they use their community organizing ability to raise money to purchase the property. Once they've done so they can dispose of it how they like, perhaps by donating it to the Arroyo Foothills Conservancy.

That is the right process to use in our society, not manipulating the county permitting process to your own ends.

Thank you for allowing me to comment and please forgive my tardiness, I've been traveling overseas.

Zak Berrie  
1094 Hollygrove Ln  
Altadena, CA 91001

## Kristina Kulczycki

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**From:** unleadedpictures@gmail.com on behalf of Jim Knell [Knell.Jim@gmail.com]  
**Sent:** Tuesday, March 22, 2016 8:21 PM  
**To:** Kristina Kulczycki  
**Subject:** Stephen Kuhn Millard Canyon Building Request

**Categories:** Red Category

Good Evening

As a former housemate of Stephen Kuhn when he arrived in California several years ago, I would like to take a moment to comment on his journey to build his home in the Millard Canyon area of Altadena. I, myself, have been a resident of Altadena for over 16 years and currently own three homes here.

I will try to keep my email short, as I know we are all busy people; however there are two things I can assure you about Stephen and anything he embarks on. I am sure the fact that he is amazingly meticulous and well thought-out, are quite obvious to anyone involved in this project, and I will address this in detail below.

Of foremost importance with regards to his home design and location is the fact that he absolutely loves the outdoors and nature. Whether it is sailing, hiking, camping or anything that brings him closer to the outdoors, Stephen enthusiastically embraces it wholly. Along with this love comes a deep respect; whether it is leaving no trace when hiking or camping, or just being a part of the nature that surrounds him, I cannot think of a better candidate to build a home in an area such as this and no-one more suited to doing it in a way to blend and cause a minimal disturbance.

The second key point, as briefly noted above is his meticulous nature and due diligence when planning anything. When I first met him, we sat and chatted for at least an hour about his desire to build an airplane and the techniques and contemporary ideas he had studied to "build a better mousetrap" as it were. I am 100% positive that this will translate to his home building experience as well.

I have read his blog, illustrating his desire to build this house, and it contains the same meticulously thought-out attention to detail that anything else he touches does. The fact he taken the time to build a blog with these specifics should be recognized as proof to the transparency of his intention.

In addition, I have read the "Save Millard Canyon!" petition. Within the petition, phrases such as "Heavy construction equipment, trucks and material deliveries will ... *possibly* block fire, para-medical and police access to the meadows neighborhood for over a year". I am not a lawyer, nor Fire Chief, but it is my understanding that "blocking" paramedics, fire vehicles and police access is a highly illegal activity and would not be stood for, and would quickly be addressed by local civil service authorities; so this appears to be misguided fear-mongering on the part of the author of the petition.

Additionally, in that same sentence, he claims that this activity would continue for *over* a year, while in the presentation presented by Mr. Kuhn it is stated that construction is less than a year. There are additional inaccuracies, throughout the petition, of which I am sure you are aware.

In closing I would like to point out that the design truly does seem to integrate well into the existing environment. This property IS already zoned for residential building so any and all claims that this would set a precedent for future building and excavating into the canyon is pure propaganda designed to create a stir among residents.

I look forward to the approval of Mr. Kuhn's desire to build and to seeing the finished home helping frame this magnificent canyon.

Thank you for your consideration of my email.

Best Regards,

Jim Knell

## Revisions to Initial Study with clarification of revisions

Pursuant to Section 15073.5 of the California Environmental Quality Act Guidelines (14 CCR § 15073.5), “a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability...but prior to its adoption.” However, a “substantial revision” for a negative declaration occurs when “a new, avoidable significant effect is identified...” Subsequent to the release of the Initial Study for public review and comment, staff received a clarification from the applicant specifying that the maximum height of the proposed building is 34 feet 10 ½ inches. The Initial Study project description and Aesthetics evaluation identifies the maximum height as 33 feet and 10 inches. The impact of the building height is evaluated in the Aesthetics section of the Initial Study. In this section, it is noted that the project will not exceed the maximum allowed height of 35 feet and therefore, impacts to the visual character or quality of the site and its surroundings will be less than significant. As the change in maximum height from 33 feet and 10 inches to 34 feet and 10 ½ inches will still be under this threshold, there is no change to the determination that impacts will be less than significant. Therefore, the addition of this new information would not be considered a “substantial revision” and the revisions listed below will make insignificant modifications to the negative declaration. Recirculation of the Initial Study is not required for the revisions below:

### Revised project description for the Initial Study:

“The project is a request for a Minor Conditional Use Permit (MCP) to authorize the construction of a 1,699-square-foot single-family residence with a 451-square-foot attached garage on a 1.04-acre parcel in a hillside management area of the Altadena CSD. The project also includes a request for an Oak Tree Permit (OTP) to encroach within the protected zone of nine oak trees and to remove one oak tree. Two additional oak trees will also be removed, but are less than eight inches in diameter and are therefore not protected by the County Oak Tree Ordinance. The proposed residence will take access from Canyon Crest Road to the east with a new driveway leading to the attached two-car garage facing north. Above the garage is a proposed loft space that looks out onto Canyon Crest Road and below the garage is the main residence level containing two bedrooms, two bathrooms, a kitchen, and a living room with a cantilevered deck facing west. There is a lower level below the kitchen and living room where an office is proposed. The residence is proposed to be two stories in height with an additional cellar level and will not exceed 34 feet and 10 ½ inches in height. The project includes 15 cubic yards of cut and 15 cubic yards of fill which will be balanced on the site and all work will be done by hand implements at the recommendation of the arborist (Oak Tree Report dated August 2, 2014).

A single-family residence is permitted by right in the R-1-10000 Zone. However, per the requirements of the Altadena CSD, a new single-family residence that is proposed to be developed within an area containing natural slopes of 25 percent or more is required to obtain a MCP.”

### Revised Aesthetics evaluation:

“The Altadena Community Standards District (CSD) contains a subsection on hillside management areas...The maximum height of the proposed building is 34 feet and 10 ½ inches and the maximum height permitted in the Altadena CSD is 35 feet. Therefore, impacts to the visual character or quality of the site and its surroundings will be Less Than Significant.”